



Correspondence Management System

Control Number: AX-12-001-0722

Printing Date: June 27, 2012 11:42:54



Citizen Information

Citizen/Originator: Flynn, Ryan Cook

Organization: New Mexico Environment Department
Address: 1190 St. Francis Drive, Santa Fe, NM 87502

Grantham, Bill

Organization: New Mexico Environment Department Office of General Counsel
Address: 1190 Saint Francis Drive PO Box 5469, Santa Fe, NM 87502-5469

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-001-0722 **Alternate Number:** N/A
Status: Pending **Closed Date:** N/A
Due Date: Jul 12, 2012 **# of Extensions:** 0
Letter Date: May 31, 2012 **Received Date:** Jun 27, 2012
Addressee: AD-Administrator **Addressee Org:** EPA
Contact Type: LTR (Letter) **Priority Code:** Normal
Signature: DX-Direct Reply **Signature Date:** N/A
File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.
Subject: Daily Reading File - New Mexico Environment Department's Supplement to Petition for Reconsideration and Stay of EPA's Final Rule: "Approval and Promulgation of Implementation Plans: New Mexico; Federal Implementation Plan for Interstate Transport of Pollution Affecting Visibility and Best Available Retrofit Technology Determination" Docket No. EPA-R06-OAR-2010-0846)
Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
Instruction Note: N/A
General Notes: N/A
CC: OCIR - Office of Congressional and Intergovernmental Relations
OEAE - Office of External Affairs and Environmental Education
R6 - Region 6 -- Immediate Office

Lead Information

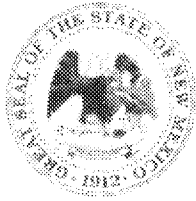
Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
Jacqueline Leavy	OEX	OAR	Jun 27, 2012	Jul 12, 2012	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					

Supporting Information

Supporting Author: N/A



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT

Office of the Secretary

Harold Runnels Building
1190 Saint Francis Drive (87505)
P.O. Box 5469, Santa Fe, NM 87502
Phone: (505) 827-2855 Fax: (505) 827-2836
www.nmenv.state.nm.us



DAVE MARTIN
Secretary

BUTCH TONGATE
Deputy Secretary

May 31, 2012

Via E-Mail and U.S. Mail

The Honorable Lisa P. Jackson
Administrator, U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
(jackson.lisa@epa.gov)

RECEIVED
JUN 7 5 2012
OFFICE OF THE
EXECUTIVE SECRETARIAT

**Re: New Mexico Environment Department's Supplement to Petition for
Reconsideration and Stay of EPA's Final Rule: "Approval and Promulgation of
Implementation Plans; New Mexico; Federal Implementation Plan for Interstate
Transport of Pollution Affecting Visibility and Best Available Retrofit Technology
Determination" (Docket No. EPA-R06-OAR-2010-0846)**

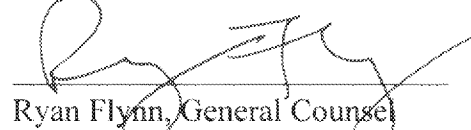
Dear Administrator Jackson:

The New Mexico Environment Department hereby supplements the "Petition for Reconsideration and Stay of EPA's Final Rule: 'Approval and Promulgation of Implementation Plans; New Mexico; Federal Implementation Plan for Interstate Transport of Pollution Affecting Visibility and Best Available Retrofit Technology Determination' (Docket No. EPA-R06-OAR-2010-0846)," which was e-mailed and mailed to the U.S. Environmental Protection Agency on October 21, 2011.

By means of this Supplement, the New Mexico Environment Department joins the "Supplement to the Petition of Public Service Company of New Mexico for Reconsideration and Stay of EPA's Final Rule: 'Approval and Promulgation of Implementation Plans; New Mexico; Federal Implementation Plan for Interstate Transport of Pollution Affecting Visibility and Best Available Retrofit Technology Determination' (Docket No. EPA-R06-OAR-2010-0846)" filed by Public Service Company of New Mexico on May 17, 2012. The New Mexico Environment Department hereby adopts all arguments and assertions in that document as if set forth fully herein.

For the reasons set forth in the petitions for reconsideration and stay filed by the New Mexico Environment Department and Public Service Company of New Mexico, including each of the respective supplements to those petitions, EPA should grant the petitions and issue a stay tolling the period for compliance with EPA's Final Rule pending completion of reconsideration proceedings.

Respectfully Submitted,



Ryan Flynn, General Counsel
Bill Grantham, Assistant General Counsel
New Mexico Environment Department
1190 S. St. Francis Drive
Santa Fe, New Mexico 87502
Telephone: (505) 827-2855

E-Mail ryan.flynn@state.nm.us
bill.grantham@state.nm.us

cc via E-Mail:
Gina McCarthy
Samuel Coleman, P.E.
Guy Donaldson
Suzanne Murray, Esq.



Correspondence Management System

Control Number: AX-12-001-0780

Printing Date: June 27, 2012 12:16:03



Citizen Information

Citizen/Originator: Sink, Gary

Organization: Red Birch Energy, Inc.

Address: 5656 Virginia Avenue, Bassett, VA 24055

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-001-0780

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Jul 12, 2012

of Extensions: 0

Letter Date: Jun 20, 2012

Received Date: Jun 27, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: DX-Direct Reply

Signature Date: N/A

File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.

Subject: Daily Reading File - Urge support for the EPA's proposal to increase biodiesel production under the Renewable Fuel Standard in 2013

Instructions: DX-Respond directly to this citizen's questions, statements, or concerns

Instruction Note: N/A

General Notes: N/A

CC: OEAAE - Office of External Affairs and Environmental Education
R3 - Region 3 - Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
Jacqueline Leavy	OEX	OAR	Jun 27, 2012	Jul 12, 2012	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

Action By	Office	Action	Date
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Red Birch Energy



June 20, 2012

Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington DC 20460
Email: jackson.lisa@epa.gov

RECEIVED

JUN 20 2012

OFFICE OF THE
EXECUTIVE SECRETARIAT

Dear Ms. Jackson:

As a U.S. biodiesel producer, I strongly agree with President Obama's call for an "all of the above" energy approach. That's why I'm writing to urge your support for the EPA's proposal to increase biodiesel production under the Renewable Fuel Standard (RFS) in 2013. The Administration's decision on this issue will directly impact my company's hiring and expansion plans in the future.

As the only EPA-designated Advanced Biofuel produced across the country, biodiesel is already playing a key role in helping the nation move toward a comprehensive energy approach and reduce our vulnerability to these endless price spikes in global oil markets. The industry reached the 1 billion gallon milestone for the first time last year, producing nearly 1.1 billion gallons thanks in part to the success of the RFS. And because spiking fuel prices continue to negatively impact consumers and the economy, retailers over the past year have been selling biodiesel blended with petroleum diesel at discounts of up to ten cents per gallon, which at one billion gallons of biodiesel equates to consumer saving of up to \$100 million.

The EPA's proposal for raising the biodiesel volume requirement to 1.28 billion gallons in 2013 represents modest growth and was made after a rigorous analysis demonstrating that the increase is readily achievable in a sustainable manner, with tremendous benefits to the nation in terms of economic growth, national security and the environment. In fact, increasing biodiesel production from 1 billion gallons to 1.28 billion gallons would support more than 10,000 new jobs. Overall, with 1.28 billion gallons of production, the biodiesel industry would support 50,725 jobs nationwide, along with \$2.7 billion in household income and \$4.9 billion in GDP.

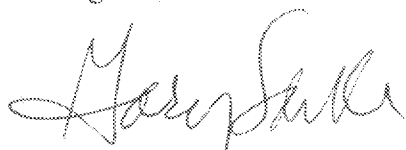
5656 Virginia Avenue, Bassett, Virginia 24055 276-629-7111 (o), 276-629-7112 (f)

Biodiesel is not just creating jobs and reducing our dependence on imported diesel fuel. According to the EPA's review designating biodiesel as an Advanced Biofuel — conducted under the Obama Administration — it also reduces greenhouse gas emissions by 57 percent to 86 percent when compared to petroleum diesel. It reduces nearly all toxic emissions from petroleum diesel such as particulate matter and sulfur. It is made from a diverse mix of regionally abundant feedstocks such as recycled cooking oil, agricultural oils and animal fats, and its continued growth is stimulating new feedstock development and adding decentralized, renewable refinery capacity to the nation's infrastructure.

Even in a weak economy, our industry has generated significant momentum over the past year, creating thousands of new jobs, buying new equipment and feedstocks, and stimulating spinoff economic activity. Leaving the RFS requirement for biodiesel at 1 billion gallons would effectively halt that momentum, sending a strong signal to the market to slow down and even pare back production. It will likely lead to layoffs and plant closures.

I call on you to do everything you can to make sure that doesn't happen, and to ensure that we stand behind a strong energy policy that is paying huge dividends by diversifying our energy supplies, creating jobs and reducing harmful emissions.

Regards,



Gary Sink
Red Birch Energy, Inc.
5656 Virginia Avenue
Bassett, VA 24055

CC:

Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington DC 20460
Email: jackson.lisa@epa.gov

Cass R. Sunstein
Office of Management and Budget
Office of Information and Regulatory Affairs
Eisenhower Executive Office Building
1650 Pennsylvania Avenue NW
Room 262
Washington DC 20503
Email: White House/ Ex. 6

5656 Virginia Avenue, Bassett, Virginia 24055 276-629-7111 (o), 276-629-7112 (f)



Correspondence Management System

Control Number: AX-12-001-0787

Printing Date: June 27, 2012 12:01:41



Citizen Information

Citizen/Originator: Dedman, JoAnn L.

Organization: The Navajo Nation, Nazlini Senior Center
Address: P.O. Box 9000, Window Rock, AZ 86515

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-001-0787
Status: Pending
Due Date: Jul 12, 2012
Letter Date: Jun 19, 2012
Addressee: AD-Administrator
Contact Type: LTR (Letter)
Signature: DX-Direct Reply
File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.
Subject: Daily Reading File - Opposed to EPA eliminating the public use of second generation rodenticides
Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
Instruction Note: N/A
General Notes: N/A
CC: OEAAE - Office of External Affairs and Environmental Education
OITA - Office of International and Tribal Affairs
R9 - Region 9 - Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
Jacqueline Leavy	OEX	OCSP	Jun 27, 2012	Jul 12, 2012	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					

Supporting Information

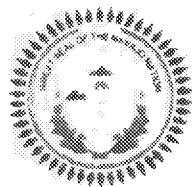
Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

Action By	Office	Action	Date
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**THE
NAVAJO
NATION**

P.O. BOX 9000 WINDOW ROCK, ARIZONA 86515

BEN SHELLY
PRESIDENT

REX LEE JIM
VICE PRESIDENT

June 19, 2012
Nazlini Senior Center
Post Office Box 7186
Nazlini, AZ 86540

The Honorable Lisa P. Jackson, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Mail Code 1101 A
Washington, D.C. 20406-0001

RECEIVED
JUN 26 2
OFFICE OF THE
EXECUTIVE SECRETARIAT


Dear Administer Jackson,

My name is JoAnn L. Dedman. I am a proud member of the Navajo Nation. I have served in many capacities as a public servant. Currently, two critical positions that I have the honor of serving on is as Director of the Nazlini Senior Citizens Center with the Navajo Nation and as Secretary/Treasurer of the Nazlini Chapter with the Navajo Nation.

I felt compelled to write to you because I have heard that the EPA is proposing to eliminate the public use of second generation rodenticides that have been readily available for many years for purchase at hardware stores and grocery stores. I am very concerned about this especially for the senior citizens for which I serve at the Nazlini Senior Center. As you know, in open space like the Navajo Nation, there is a higher propensity for rodents such as mice to exist. I know that my maintenance team is well aware of the importance of controlling the rodents that exist in our surrounding area. As I understand the EPA's proposed policy, only professional exterminators would be allowed to utilize the second generation rodenticides that are readily available today to the general public. To me this is a major mistake.

On behalf of senior citizens across the country, please do not change the policy that has enabled us for many years to effectively and affordably control rodents that threaten our safety.

Best wishes,


JoAnn Dedman, Director
Nazlini Senior Center



Correspondence Management System

Control Number: AX-12-001-0802

Printing Date: June 27, 2012 03:23:36



Citizen Information

Citizen/Originator: Taniguchi, Carol

Organization: Hawaii State Senate

Address: State Capitol, Honolulu, HI 96813

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-001-0802

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Jun 14, 2012

Received Date: Jun 27, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: Daily Reading File - Senate Resolution No. 32 - Urging the United Nations to Grant Taiwan Participation As An Observer in the United Nations Framework Convention on Climate Change Conference of the Parties Meetings

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OAR - Office of Air and Radiation -- Immediate Office
OCIR - Office of Congressional and Intergovernmental Relations
OEAAE - Office of External Affairs and Environmental Education
R9 - Region 9 - Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
Jacqueline Leavy	OEX	OITA	Jun 27, 2012

History

Action By	Office	Action	Date
Jacqueline Leavy	OEX	Forward control to OITA	Jun 27, 2012

MAR 08 2012

SENATE RESOLUTION

URGING THE UNITED NATIONS TO GRANT TAIWAN PARTICIPATION AS AN
OBSERVER IN THE UNITED NATIONS FRAMEWORK CONVENTION ON
CLIMATE CHANGE CONFERENCE OF THE PARTIES MEETINGS.

1 WHEREAS, the United Nations Framework Convention on Climate
2 Change (Convention) is an international environmental treaty
3 produced at the United Nations Conference on Environment and
4 Development; and

5
6 WHEREAS, the parties to the Convention have met annually
7 from 1995 in the Conference of the Parties to assess progress in
8 dealing with climate change. In 1997, the Kyoto Protocol was
9 concluded and established legally binding obligations for
10 developed countries to reduce their greenhouse gas emissions;
11 and

12
13 WHEREAS, as of May 2011, the Convention had one hundred
14 ninety-four member parties; and

15
16 WHEREAS, parties to the Convention are classified as Annex
17 I countries - industrialized countries and countries with
18 economies in transition, Annex II countries - developed
19 countries that pay for costs of developing countries, and Non
20 Annex I countries - developing countries; and

21
22 WHEREAS, there are forty-one Annex I countries; and

23
24 WHEREAS, although the Republic of China, commonly known as
25 Taiwan, is classified as an industrialized nation, that country
26 has yet to be permitted to participate in the United Nations
27 Framework Convention on Climate Change; and

28
29 WHEREAS, Taiwan aspires to have an active role in global
30 efforts towards climate change mitigation and adaption; and

31
32 WHEREAS, as the world's largest LED manufacturer and the
33 second largest solar cell manufacturer, Taiwan's green energy



1 industry is helping to significantly reduce global carbon
2 emissions and enhance energy efficiency; and
3

4 WHEREAS, Taiwan has resolved to reduce its greenhouse gas
5 emissions by at least thirty per cent relative to the Business-
6 As-Usual benchmark by the year 2020; and
7

8 WHEREAS, Taiwan's participation in the Convention process
9 would conform to the spirit and the purpose of the United
10 Nations Framework Convention on Climate Change, which
11 acknowledges that the "global nature of climate change calls for
12 the widest possible cooperation;" and
13

14 WHEREAS, Taiwan's Environmental Protection Administration
15 should be admitted to participate as an observer in the sessions
16 of the Conference of the Parties, since it is qualified in
17 matters covered by the Convention; and
18

19 WHEREAS, Taiwan has participated in the World Health
20 Assembly as an observer since 2009; and
21

22 WHEREAS, there is increasing international support for
23 Taiwan's meaningful participation in the United Nations
24 Framework Convention on Climate Change from other countries and
25 international governmental organizations such as the European
26 Parliament, Central American Parliament, and the Association of
27 Pacific Island Legislatures; now, therefore
28

29 BE IT RESOLVED by the Senate of the Twenty-sixth
30 Legislature of the State of Hawaii, Regular Session of 2012,
31 that the United Nations is urged to grant Taiwan participation
32 as an observer in the United Nations Framework Convention on
33 Climate Change Conference of Parties; and
34



S.R. NO. 32

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Secretary of the United States Department of State, the Secretary General of the United Nations, the President of the Republic of China, the Director of the United States Environmental Protection Agency, and the Minister of the Taiwan Environmental Protection Administration.

OFFERED BY:

J. Kani Ghosh

Pohai Pan

Michelle Sclavi

Erasmus Chan Aakland

Amey de Bel

Chris Fukuwaga

Will Eyo

Robert Kaloch

M. N. W.

Nike Hubbard

Matt

[Signature]

I hereby certify that this is a full, true, and correct copy of the original filed in this office.

Dated: APR 04 2012

Jeff T. Clow

Assistant Clerk of the Senate
State of Hawaii

SR LRB 12-0382-1.doc





Correspondence Management System

Control Number: AX-12-001-0805

Printing Date: June 27, 2012 04:17:56



Citizen Information

Citizen/Originator: Smith, Monica L.

Organization: Cairo Chamber of Commerce

Address: 220 8th Street, Post Office Box 824, Cairo, IL 62914

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-001-0805

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Jun 15, 2012

Received Date: Jun 27, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: Daily Reading File - Protect Our Community from the Corps of Engineers New Madrid Levee Project

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OCIR - Office of Congressional and Intergovernmental Relations
OEAE - Office of External Affairs and Environmental Education
OW - Office of Water -- Immediate Office
R4 - Region 4 -- Immediate Office
R7 - Region 7 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
Jacqueline Leavy	OEX	R5	Jun 27, 2012

History

Action By	Office	Action	Date
Jacqueline Leavy	OEX	Forward control to R5	Jun 27, 2012

Cairo Chamber of Commerce

220-8th Street / P.O. Box 824

Cairo, IL 62914

Phone: 618-734-2737

RECEIVED
JUN 7 5 2012

OFFICE OF THE
EXECUTIVE SECRETARIAT

June 15, 2012

The Honorable Richard Durbin
United States Senate
Washington, DC 20510

The Honorable Mark Kirk
United States Senate
Washington, DC 20510

The Honorable Jerry Costello
United States House of Representatives
Washington, DC 20515

Re: Protect Our Community from Corps of Engineers New Madrid Levee Project

Dear Senator Durbin, Senator Kirk, and Representative Costello:

We write to bring your attention to a pending decision that could have catastrophic consequences for Cairo and surrounding communities. We understand that the Corps of Engineers will soon release yet another study recommending construction of the St. Johns/New Madrid Project. This project would increase the risk of major flooding in Cairo to benefit a few wealthy landowners. On behalf of the residents of Cairo, I call on you to put safety first and do all you can to stop this dangerous and wasteful project once and for all.

The St. Johns/New Madrid project includes construction of a new 60-foot high, ¼-mile long levee that will eliminate vital existing flood protection by preventing the Mississippi River from overflowing into a natural backwater area during flood events. The project will also encourage intensified agricultural use and development behind the new levee adding additional opposition to operating the New Madrid Floodway. Operating the floodway is critical to preventing catastrophic flooding of our community, and it did just that during the Mississippi River flood of 2011. According to the Corps of Engineers, operating the New Madrid Floodway also prevents the overtopping of levees and floodwalls in numerous other towns in Illinois, Missouri and Kentucky.

Operating the floodway, however, is already fraught with opposition and delays. As the waters were rising in 2011, the state of Missouri sued the Corps of Engineers to block activation of the floodway to benefit Missouri landowners in the floodway. This suit delayed the floodway's use until the court denied Missouri's request on May 1, 2011. The Corps activated the floodway on May 2, 2011. Each day of delay put Cairo at greater risk of flooding. Once the floodway was activated, water levels at Cairo dropped 2.7 feet in just 48 hours.

The St. Johns/New Madrid project has been mired in controversy for decades. The U.S. Fish and Wildlife Service has concluded that the project "would cause substantial, irretrievable losses of nationally significant fish and wildlife resources, and greatly diminish rare and unique habitats in southeast

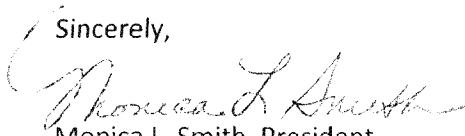
Missouri." In 2007, the project was put on hold when a U.S. District Court ruled that the project would not mitigate the significant harm to fish and wildlife and did not comply with the National Environmental Policy Act or the Clean Water Act. We understand that the Corps currently plans to recommend virtually the exact same project rejected by the Court in 2007.

The federal government should not spend increasingly scarce federal dollars on this highly destructive and controversial project that threatens the safety of our community. Future federal flood damage reduction investments in the region should instead focus on protecting people and recognize the critical value and function of the New Madrid Floodway in doing just that.

We urge you to do everything you can to ensure that this project is stopped for good and that the basic safety needs of Cairo and surrounding communities are prioritized over a levee closure to benefit a few wealthy landowners.

Thank you for your attention to this important matter.

Sincerely,



Monica L. Smith, President
Cairo Chamber of Commerce

cc:

Jo-Ellen Darcy, Assistant Secretary of the Army for Civil Works

Lisa Jackson, Administrator of the Environmental Protection Agency

Nancy Sutley, Chair of the Council for Environmental Quality



Correspondence Management System

Control Number: AX-12-001-0810

Printing Date: June 27, 2012 10:23:44



Citizen Information

Citizen/Originator: Brown, Jewel

Organization: United States Department of State
Address: 2201 C Street, Washington, DC 20520

Mull, Stephen D.

Organization: United States Department of State
Address: 2201 C Street, NW, Washington, DC 20520

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-001-0810 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Jun 27, 2012 **Received Date:** Jun 27, 2012
Addressee: OEX-Director - OEX **Addressee Org:** EPA
Contact Type: EML (E-Mail) **Priority Code:** Normal
Signature: SNR-Signature Not Required **Signature Date:** N/A
File Code: 401_127_a General Correspondence Files Record copy
Subject: Daily Reading File - National Security Affairs Calendar
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: Noah Dubin - OEX
OEAEE - Office of External Affairs and Environmental Education
OHS - Office of Homeland Security

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
Jacqueline Leavy	OEX	OITA	Jun 27, 2012

History

Action By	Office	Action	Date
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Nonresponsive Memorandum Unrelated to Bristol Bay/Pebble

Nonresponsive Memorandum Unrelated to Bristol Bay/Pebble

Nonresponsive Memorandum Unrelated to Bristol Bay/Pebble

Nonresponsive Memorandum Unrelated to Bristol Bay/Pebble

Nonresponsive Memorandum Unrelated to Bristol Bay/Pebble

Nonresponsive Memorandum Unrelated to Bristol Bay/Pebble

Nonresponsive Memorandum Unrelated to Bristol Bay/Pebble

Nonresponsive Memorandum Unrelated to Bristol Bay/Pebble

Nonresponsive Memorandum Unrelated to Bristol Bay/Pebble

Nonresponsive Memorandum Unrelated to Bristol Bay/Pebble



Correspondence Management System

Control Number: AX-12-001-0829

Printing Date: June 27, 2012 02:57:29



Citizen Information

Citizen/Originator: Stambaugh, Sharmon

Organization: Alaska Department of Natural Resources, Office of Project Management and Permitting

Address: 550 West 7th Avenue, Anchorage, AK 99501-3577

Crafford, Thomas

Organization: Alaska Department of Natural Resources, Office of Project Management and Permitting

Address: 550 West 7th Avenue, Anchorage, AK 99501-3577

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-001-0829

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Jun 26, 2012

Received Date: Jun 27, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: EML (E-Mail)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: Daily Reading File - Docket ID No. EPA-ORD-2012-0358 Bristol Bay Assessment External Peer Review Panel

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OEAE - Office of External Affairs and Environmental Education

OW - Office of Water -- Immediate Office

R10 - Region 10 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
Jacqueline Leavy	OEX	ORD	Jun 27, 2012

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

Office of Project Management and Permitting

SEAN PARNELL, GOVERNOR

□ 550 WEST 7TH AVE, SUITE 1420
ANCHORAGE, ALASKA 99501
PHONE: (907) 269-8629
FAX: (907) 269-8918

June 26, 2012

Office of Environmental Information (OEI) Docket (Mail Code: 28221T)
Docket # EPA-HQ-ORD-2012-0358
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Washington, DC 20460.

Ms. Lisa Jackson
Administrator
USEPA Headquarters
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
Jackson.lisap@epa.gov

Mr. Dennis McLerran
Regional Administrator
USEPA Region X
RA 140
1200 Sixth Avenue
Seattle, WA 98101
McLerran.Dennis@epamail.epa.gov

<mailto:ORD.Docket@epa.gov>

RE: Comments on External Peer Review Panel and Charges for EPA Draft “An Assessment of Potential Mining Impacts on Salmon Ecosystems of Bristol Bay, Alaska”, External Review Panel Docket ID No. EPA-HQ-ORD-2012- 0358 and related Docket ID No. EPA-HQ-ORD-2012-0276

Dear Ms. Jackson and Mr. McLerran:

This letter provides the State of Alaska comments on the charge questions for the Environmental Protection Agency’s (EPA’s) “*An Assessment of Potential Mining Impacts on Salmon Ecosystems of Bristol Bay, Alaska*” (“assessment”). Please note that these comments below do not endorse the assessment or external peer review panel process or any premature exercise of EPA’s Clean Water Act Section 404(c) authority in the Bristol Bay watershed.

The Alaska Department of Natural Resources (ADNR), through the Office of Project Management and Permitting (OPMP), coordinates review of large mining and other resource and

“To responsibly develop Alaska’s resources by making them available for maximum use and benefit consistent with the public interest.”

development projects in Alaska that involve multiple state agencies (*see* Alaska Statutes Sec. 27.05.010). The State has previously sent several letters to EPA on the assessment effort. As was the case with the assessment, we believe that the period of time allowed for public comment on the charge questions is inadequate, but offer the following in light of the deadline set by EPA in its Federal Register notice.

Timing of Panel Activities and Public Meeting

Comments on the review panel and charge questions are due to EPA on June 26, 2012. The deadline for comments on the assessment is July 23, 2012. EPA and the external peer review panel will convene public meetings in Anchorage, Alaska on August 7 through 9, 2012. The public is only invited to the sessions on August 7 and 8. EPA has not given the public adequate information regarding the scope, schedule and process for the external peer review of the assessment.

The accelerated review schedule for public comment on the assessment will not give the public or state and federal agencies an opportunity to benefit from these meetings or from any written comments produced by the review panel for their own reviews of the assessment. Because they are also reviewing the same version of the draft assessment, the external review panel will not have new information brought forth in public comments. The State also notes that the panel is convening during summer months when many Alaskans are engaged in outdoor activities either for employment, recreation or subsistence and may not be available for public meetings.

External Panel Membership and Areas of Expertise

The state's comments on the panel are based on the very limited information available for each member. The panel members appear to have wide-ranging expertise regarding fisheries, ecology and, for some members, mining operations and hydrology. While some panel members have experience working in Alaska or with potential impacts from mining, most do not. The panel members should be circumspect about assumptions based on fisheries, hydrology, ecology, and mining expertise gained from other areas of the United States or other countries. The twelve charge questions include complex technical questions regarding mining, transportation, and pipelines; the panel makeup is not strongly represented in these disciplines.

General Comments and Concerns

The tone and phrasing of the charge questions demonstrate that this is a complicated effort to assess impacts from a hypothetical mining scenario. The assessment and the peer review questions as formulated focus only on potential and speculative negative impacts of mining. As formulated, the charge questions leave the reviewers without the ability to respond with innovative solutions for mitigation measures, best practices, or an integrated and engaged state and federal interdisciplinary regulatory approach to review an actual mining proposal based on its merits.

The State has a number of concerns regarding the nature and scope of the charge questions, including the following:

- 1) The panel members should limit their review to the topic areas for which they are individually qualified, based on their expertise. For each of the charge questions, the panel findings should explain and document the independent views of the panel members in response to the question.
- 2) The reviewers should have open access to, as well as the time to review, all reference materials, mathematical and statistical models, regional or site-specific data, or other relevant resources used to develop the assessment.
- 3) The panel members should review and comment on whether the hypothetical mine scenario presented in the assessment is a realistic representation of a project that will require a thorough state and federal permitting process and a National Environmental Policy Act (NEPA) review.
- 4) In the absence of information that would be collected and vetted through the lawful state and federal permitting processes, the peer review panel should be allowed to consider whether the assessment adequately takes into account technologies, management systems, or monitoring that would mitigate potential risks to fish.
- 5) EPA should document how the results of the peer review panel's conclusions will be used to finalize the assessment, and to potentially exercise EPA's Clean Water Act Section 404(c) authority in Bristol Bay or elsewhere in the United States.
- 6) The questions are phrased to direct the panel to an affirmative response to the question topic areas of EPA's assessment rather than asking if the basis of the risk itself is characterized appropriately.
- 7) Given the short time frame to review the assessment and its appendices, the panel does not appear to have been given sufficient opportunity to comprehensively review the document and to provide well researched and carefully considered responses to adequately address the questions.
- 8) With respect to cumulative impacts from other potential mining in the area as described in the assessment, it is unlikely that the panel has the information necessary to assess the potential impacts of these or other mines that could be developed in the Bristol Bay region.
- 9) In charge question Number 3, EPA assumed two potential modes for mining operations: A no-failure mode of operation and a mode outlining one or more types of failures. The no failure operation mode assumes best practical engineering and mitigation practices are in place and in optimal operating condition. The charge question does not accurately describe the assessment of the no-failure operation mode, notwithstanding that it reiterates a statement found in the executive summary as follows: "*The no-failure operation mode assumes best practical engineering and mitigation practices are in place and in optimal operating condition.*" Chapter 4, which provides the mining background

and the no-failure mining scenario, states: *"Described mining practices and our mine scenario reflect the current practices for porphyry copper mining around the world, and represent current good, but not necessarily best, mining practices. (page 4-1)"; and "Our mine scenario represents current good, but not necessarily best, mining practices. (page 4-17)"*

Additional Charge Questions that Should Be Posed

- 1) Is the assessment based on federally approved state water quality standards or does it ignore or deviate from those standards? Please explain, and document the individual views of each of the panel members in response to this question with respect to each relevant state water quality standard.
- 2) Based upon the time available for your peer review, were you able to determine whether all of the information (including third party reports and modeling) that EPA relied upon in preparing the assessment was subject to peer review before the assessment was disseminated to the public and to the panel? Please explain, and document the individual views of each of the panel members in response to this question.
- 3) Do you believe that you were provided enough time to review the assessment and referenced material and to conduct independent research to critically analyze the information and conclusions reached in the assessment? Please explain, and document the individual views of each of the panel members in response to this question.
- 4) Does the failure to consider and account for potential socio-economic benefits from mining create a perceived or actual bias against mining in the assessment? Please explain, and document the independent views of each of the panel members in response to this question.

Thank you for the opportunity to comment on the external peer review panel and charge questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah" followed by a stylized flourish.

Thomas Crafford, Director
DNR Office of Project Management and Permitting



Correspondence Management System

Control Number: AX-12-001-0843

Printing Date: June 27, 2012 04:20:43



Citizen Information

Citizen/Originator: Nichols, Mary D.

Organization: California Air Resources Board

Address: 1001 I Street-Post Office Box 2815, Sacramento, CA 95812

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-001-0843

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Jun 19, 2012

Received Date: Jun 27, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: Daily Reading File - Concerned with U.S. Energy Information Administration's analysis of light-duty vehicle fuel economy and greenhouse gas emission pollution standards

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OCIR - Office of Congressional and Intergovernmental Relations
OEAE - Office of External Affairs and Environmental Education
OP - Office of Policy
R9 - Region 9 - Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
Jacqueline Leavy	OEX	OAR	Jun 27, 2012
Sabrina Hamilton	OAR	OAR-OTAQ	Jun 27, 2012

History

Action By	Office	Action	Date
Jacqueline Leavy	OEX	Forward control to OAR	Jun 27, 2012



DAILY READING FILE
Air Resources Board



Matthew Rodriguez
Secretary for
Environmental Protection

Mary D. Nichols, Chairman
1001 I Street • P.O. Box 2815
Sacramento, California 95812 • www.arb.ca.gov

Edmund G. Brown Jr.
Governor

June 19, 2012

Administrator Adam Sieminski
U.S. Energy Information Administration
1000 Independence Ave., SW
Washington, DC 20585

RECEIVED
JUN 26 2012
OFFICE OF THE
EXECUTIVE SECRETARIAT

Dear Administrator Sieminski:

Congratulations on your confirmation as Administrator of the Energy Information Administration (EIA).

As you take the helm, I write to express concern regarding one aspect of the analysis soon to be published in the Annual Energy Outlook 2012. Specifically, I am concerned that EIA's analysis of light-duty vehicle fuel economy and greenhouse gas emission pollution standards does not incorporate the latest policy or data used by the U.S. Environmental Protection Agency (USEPA) or the National Highway Traffic Safety Administration (NHTSA) in developing national vehicle emissions standards. As such, I am concerned the report will not accurately reflect the important energy, environmental, and economic benefits of these standards and hence will be misleading to policymakers and the public.

As you may know, for over three years the California Air Resources Board (CARB) has worked shoulder-to-shoulder with USEPA and NHTSA to promulgate coordinated and harmonized state and federal pollution emission and fuel economy standards for vehicle model years 2012-2025. In the process, we have devoted thousands of staff hours, commissioned state-of-the-art independent analyses from premier engineering firms, and consulted closely with automakers and component manufacturers to develop the most comprehensive, accurate, and up-to-date database of efficient and low-polluting vehicle technologies anywhere in the world – and the modeling capability to estimate how automakers will most cost-effectively comply with these standards and the resulting effects on new vehicle costs, fuel savings, and pollution reduction.

The final published technical analyses of CARB, USEPA, and NHTSA have been available since November 2011, but I understand your staff has not yet had the opportunity to incorporate this latest data and analysis into your models. This is unfortunate.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.

California Environmental Protection Agency

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EPA-7609-0014228_00033

Administrator Adam Sieminski
June 19, 2012
Page 2

I appreciate the critical importance of including the significant economic, environmental, public health, and security benefits of fuel economy and carbon pollution standards within EIA's broad energy and economic framework. However, I am concerned that doing so without capturing the latest science related to vehicle technology development and cost could produce misleading results and misdirected policy conclusions.

At the least, it is important that the forthcoming Annual Energy Outlook include appropriate caveats reflecting known gaps and discrepancies in the data, assumptions, and modeling that underlay EIA's analysis of vehicle standards. Going forward, CARB stands ready, along with USEPA and NHTSA, to share our expertise and current technological assumptions with EIA, so that we may develop current and consistent analytical tools to inform policy making and the public.

Sincerely,



Mary D. Nichols
Chairman

cc: The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

✓ Administrator Lisa Jackson
US Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Administrator David Strickland
National Highway Transportation Safety Administration
1200 New Jersey Avenue, SE
West Building
Washington, D.C. 20590



Correspondence Management System

Control Number: AX-12-001-0848

Printing Date: June 27, 2012 05:13:43



Citizen Information

Citizen/Originator: Van Voorhees, Robert F

Organization: Bryan Cave

Address: 1155 F Street, N.W., Washington, DC 20004

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-001-0848

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Jul 12, 2012

of Extensions: 0

Letter Date: Jun 25, 2012

Received Date: Jun 27, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: EML (E-Mail)

Priority Code: Normal

Signature: DX-Direct Reply

Signature Date: N/A

File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.

Subject: Daily Reading File - Carbon Sequestration Council Comments on Proposed GHG NSPS for Electric Utility Generating Units

Instructions: DX-Respond directly to this citizen's questions, statements, or concerns

Instruction Note: N/A

General Notes: N/A

CC: OEAE - Office of External Affairs and Environmental Education

OP - Office of Policy

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
Jacqueline Leavy	OEX	OAR	Jun 27, 2012

History

Action By	Office	Action	Date
Jacqueline Leavy	OEX	Forward control to OAR	Jun 27, 2012
Jacqueline Leavy	OEX	Changed File Code 401_127_a General Correspondence Files Record copy 404-141-02-01_141_b Con-	Jun 27, 2012

THE CARBON SEQUESTRATION COUNCIL

1155 F Street, N.W., Suite 700
Washington, DC 20004-1312
202-508-6014

June 25, 2012
Delivered via email

The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Proposed GHG NSPS for Electric Utility Generating Units
Docket ID No. EPA-HQ-OAR-2011-0660

Dear Administrator Jackson:

The Carbon Sequestration Council (the CSC) is pleased to submit these comments in response to the notice of proposed rulemaking (NPRM) entitled Proposed Standards of Performance for Greenhouse Gas Emissions for New Stationary Sources: Electric Utility Generating Units, 77 Fed. Reg. 22392 (April 13, 2012) Docket ID No. EPA-HQ-OAR-2011-0660. The CSC is a multi-industry association^{1/} formed to provide a forum for inter-industry communication around key issues of carbon capture and sequestration or storage (CCS). CSC facilitates information sharing and consensus building to more effectively promote policies, legislation and regulatory frameworks that foster the use of anthropogenic carbon dioxide (CO₂) for enhanced oil recovery (EOR) as well as the early use and commercial deployment of geologic sequestration (GS) as a means of addressing greenhouse gas (GHG) mitigation.

The Environmental Protection Agency (EPA) has promulgated and proposed regulations and policies to establish a regulatory framework for CCS. The focus of the CSC is on ensuring the effective implementation of those regulations in a manner that protects human health and the environment while fostering the development and commercial deployment of CCS technologies. Accordingly, the focus of our comments on this proposed rulemaking is on the potential interactions between any final GHG new source performance standards (NSPS) for electric generating units (EGUs) and the emerging regulatory framework for CCS. We do not comment on the legality or merits of the

^{1/} Members of the Carbon Sequestration Council are American Electric Power, BHP Billiton, BP Alternative Energy North America Inc., ConocoPhillips, Denbury Resources Inc., Duke Energy, LG&E and KU Energy LLC, Occidental Petroleum Corporation, Shell Exploration and Production, and Southern Company.

The Honorable Lisa P. Jackson, Administrator
U.S. Environmental Protection Agency
June 25, 2012
Page 2

proposed NSPS levels presented in this NPRM. Members of the CSC will be filing comments individually and as members or participants in other organizations and associations that address issues relating to other aspects of this NPRM, including the legality and asserted support for the proposed standards.

A commercial-scale integrated CCS system has never before been applied to a coal-fired power plant. It is therefore inappropriate for EPA to set a standard for coal-fired steam boilers that can be met only using undemonstrated technology. The CSC recommends that EPA set a separate standard for coal-fired steam boilers based on the best demonstrated coal-fired technology, not CCS. Doing so will allow time for CCS development. EPA should reevaluate the status of CCS technology as it revises the GHG NSPS in the future which is required at least every eight years. In the mean time, the Prevention of Significant Deterioration permitting program will require CCS on new units as it is deemed appropriate under the Best Available Control Technology permitting requirements.

If retained in the final rule, the proposed alternative approach should be revised to align with the development timeline of commercially available CCS technology for EGU processes. The selection of ten years is too precise an estimate as to when the development of CCS technologies will reach a point of commercial availability. At the very least, there should be an opportunity for EGUs to incorporate CCS on an alternative basis that will allow other methods of averaging over the proposed period regardless of whether that is thirty years or some other period. Once fully incorporated into an EGU, the CCS technology may allow far higher reductions in CO₂ emissions than assumed in the proposed rule, allowing EGUs to achieve the same thirty-year average with higher emissions over a longer initial phase and lower emissions in the later phase.

Although it can reasonably be anticipated that current experimental pilot and demonstration projects will advance our understanding of CCS technologies (if allowed to be implemented in accordance with their scientific designs and objectives) and that, at some point, these advances will lead to commercially available and more cost-effective technologies, EPA's projections on timing are not reasonably supported. The rule should not lock in these time projections which are at best speculative. As proposed, this standard could actually hinder the advancement of CCS technology by discouraging construction of new coal plants. It is indefensible to make the contradictory assumptions both that new coal fired EGUs will not be built and that CCS technology will continue to develop over the next ten years.

There should not be any automatic termination of the 30-year averaging compliance option. Instead, EPA can rely on the required eight-year review cycle of the NSPS to

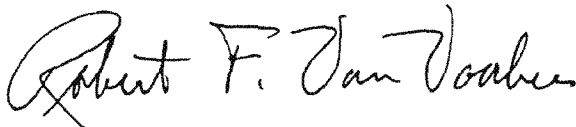
The Honorable Lisa P. Jackson, Administrator
U.S. Environmental Protection Agency
June 25, 2012
Page 3

revise the long-term average as appropriate.. The enforceability of the time averaging periods and timeframes can be assured through the permitting process.

The definition of "carbon dioxide capture and storage" must be revised to agree with the definition of "carbon dioxide stream" in 40 CFR §146.81(d) of the underground injection control (UIC) program regulations for Class VI wells because it must be clear that it is not just CO₂ that will be captured by the EGU. Even though CO₂ emissions are the target of this proposed rule, the capture process does not require that there be complete purification of the captured flue gas to yield only CO₂.

This letter and the attached detailed comments present our ideas and recommendations for achieving effective interaction of the portions of this rule directed at CCS with the other parts of the existing and emerging regulatory framework for CCS. Thank you for the opportunity to comment on the proposed GHG NSPS for Electric Utility Generating Units. If you have any questions or need any additional information about these comments, please contact me at bobvanvoorhees@carbonsequestrationcouncil.org or at 202-508-6014.

Respectfully submitted,



Robert F. Van Voorhees, Manager
Carbon Sequestration Council
bobvanvoorhees@carbonsequestrationcouncil.org

cc: Gina McCarthy, Assistant Administrator for Air and Radiation (OAR) -
Christian Fellner, Energy Strategies Group, Sector Policies and Programs
Division
Dr. Nick Hutson, Energy Strategies Group, Sector Policies and Programs Division

Carbon Sequestration Council



Correspondence Management System

Control Number: AX-12-001-0856

Printing Date: June 27, 2012 05:24:27



Citizen Information

Citizen/Originator: Kowalsky, Michael J.

Organization: Tiffany & Co.

Address: 200 Fifth Avenue, New York, NY 10010

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-001-0856

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Jul 12, 2012

of Extensions: 0

Letter Date: Jun 6, 2012

Received Date: Jun 27, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: AD-Administrator

Signature Date: N/A

File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: Daily Reading File - Support for the protection of Bristol Bay's wild salmon fishery from the proposed Pebble gold and copper mine

Instructions: AD-Prepare draft response for the Administrator's signature

Instruction Note: N/A

General Notes: N/A

CC: OEAE - Office of External Affairs and Environmental Education

OW - Office of Water -- Immediate Office

R2 - Region 2 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
Jacqueline Leavy	OEX	R10	Jun 27, 2012	Jul 12, 2012	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

Action By	Office	Action	Date
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TIFFANY & CO.

200 FIFTH AVENUE
NEW YORK, NEW YORK 10019
212 755 8000

MICHAEL J. KOWALSKI
CHAIRMAN OF THE BOARD
CHIEF EXECUTIVE OFFICER

RECEIVED
JUN 7 2012
OFFICE OF THE
EXECUTIVE SECRETARIAT

June 6, 2012

Ms. Lisa Jackson
Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Lisa Jackson,

On behalf of Tiffany & Co., I am writing to express support for the protection of Bristol Bay's wild salmon fishery from the proposed Pebble gold and copper mine.

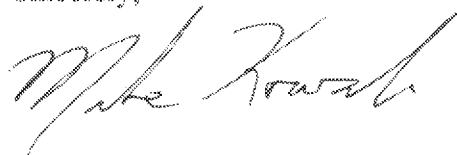
We commend the U.S. Environmental Protection Agency (EPA) for completing its scientific study on the risks of mining the Pebble deposit. The Bristol Bay watershed assessment highlights the global significance of Alaska's Bristol Bay fishery, and the threat of large-scale mining to the long-term sustainability of this world-class resource, and the communities it supports.

Our company is committed to responsible gold sourcing policies that recognize areas of high conservation or ecological value, such as Alaska's Bristol Bay. We are also committed to policies that ensure that mine projects do not result in contamination of waters with acid drainage or other toxics.

We encourage the EPA to use its authority under Section 404c of the Clean Water Act to restrict the disposal of harmful mine waste into the pristine waters and wetlands of Bristol Bay to ensure the lasting protection and sustainability of the wild salmon fishery.

This science-based process is a responsible approach to Bristol Bay protection.

Sincerely,





Correspondence Management System

Control Number: AX-12-001-0871

Printing Date: June 27, 2012 03:39:13



Citizen Information

Citizen/Originator: Phillips, Sam L

Organization: Louisiana Department of Environmental Quality
Address: P.O. Box 4313, Baton Rouge, LA 70821-4313

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-001-0871 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Jun 21, 2012 **Received Date:** Jun 27, 2012
Addressee: AD-Administrator **Addressee Org:** EPA
Contact Type: LTR (Letter) **Priority Code:** Normal
Signature: SNR-Signature Not Required **Signature Date:** N/A
File Code: 401_127_a General Correspondence Files Record copy
Subject: Daily Reading File - Order responding to Petitions VI-2010-02 & VI-2011-03 Consolidated Environment Management, Inc. - Nucor Steel Louisiana Agency Interest No. 157847
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: OAR - Office of Air and Radiation -- Immediate Office
OCIR - Office of Congressional and Intergovernmental Relations
OEAE - Office of External Affairs and Environmental Education

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
Jacqueline Leavy	OEX	R6	Jun 27, 2012

History

Action By	Office	Action	Date
Jacqueline Leavy	OEX	Forward control to R6	Jun 27, 2012

BOBBY JINDAL
GOVERNOR



6/27
PEGGY M. HATCH
SECRETARY

State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY

ENVIRONMENTAL SERVICES

Certified Mail No. 7006 0810 0000 2894 1455

June 21, 2012

Ms. Lisa P. Jackson, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
Mail Code: 1101A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Order Responding to Petitions VI-2010-02 & VI-2011-03
Consolidated Environmental Management, Inc. – Nucor Steel Louisiana
Agency Interest (AI) No. 157847

Dear Administrator Jackson:

On March 23, 2012, you signed an order granting two petitions for objection to Permit Nos. 2560-00281-V0, 2560-00281-V1, and 3086-V0, issued by the Louisiana Department of Environmental Quality (LDEQ) to Consolidated Environmental Management, Inc. (hereinafter "Nucor"). These petitions were filed by Zen-Noh Grain Corporation ("Zen-Noh"). For the reasons stated herein, I believe the order also serves as EPA's response to separate petitions for objection to the aforementioned permits submitted on behalf of the Louisiana Environmental Action Network ("LEAN") and Sierra Club on June 25, 2010, and May 3, 2011.

This correspondence constitutes LDEQ's response to EPA's order and supplements the permit record. This document will be made available for public review in LDEQ's Electronic Document Management System (EDMS), and notice will be mailed to persons who submitted comments on the permits.

If you have any questions concerning this response, please contact me at (225) 219-3180.

Sincerely,

A handwritten signature in cursive script, appearing to read "S. L. Phillips".

Sam L. Phillips
Assistant Secretary

SLP:BDJ

Attachments

c: Mr. Jeffrey Robinson
U.S. EPA Region 6
Mail Code: 6PD
1445 Ross Avenue
Dallas, TX 75202-2733

RECEIVED
JUN 27 2012
OFFICE OF THE
EXECUTIVE SECRETARIAT

RESPONSE OF THE LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY TO ORDER GRANTING PETITIONS FOR OBJECTION TO PERMITS

I. Background

On May 12, 2008, LDEQ received an application from Nucor requesting Title V and Prevention of Significant Deterioration (PSD) permits for a new pig iron manufacturing facility to be located near Convent in St. James Parish, Louisiana. After multiple public comment periods that exceeded 3 months in duration and two public hearings,¹ and after careful consideration of all public comments received, LDEQ issued Permit Nos. 2560-00281-V0 and PSD-LA-740 on May 24, 2010.² At the same time, LDEQ released a comprehensive Basis for Decision and Public Comments Response Summary, a 444-page document addressing some 418 comments received on the proposed permits.

On August 20, 2010, Nucor submitted an application for Title V and PSD permits for two direct reduced iron (DRI) plants.³ Subsequently, on October 14, 2010, Nucor submitted an application to modify Permit No. 2560-00281-V0.⁴ After a 41-day public comment period and a public hearing,⁵ and after careful consideration of all public comments received, LDEQ issued Permit Nos. 3086-V0 and PSD-LA-751 (for the DRI plants) and Permit No. 2560-00281-V1 (for the pig iron manufacturing facility) on January 27, 2011.⁶ These permits were accompanied by two Basis for Decision documents and a combined 244-page Public Comments Response Summary addressing 167 public comments on the three proposed permits.

Permit No. 2560-00281-V0 is No Longer Effective

As an initial matter, LDEQ notes for the record that Permit No. 2560-00281-V0 is no longer the effective permit for the pig iron manufacturing facility. As indicated above, this permit was superseded in its entirety by the modification, Permit No. 2560-00281-V1, issued on January 27, 2011.⁷

II. Preliminary Matters

Prior to addressing the merits of the Order,⁸ LDEQ notes several procedural defects in EPA's actions that embody the agency's failure to adhere to the requirements imposed by the Clean Air Act ("Act") and its implementing regulations applicable to Title V objections. LDEQ's response to the substance of EPA's Order is set forth in Sections III and IV.

A. EPA's Objection to the Permits Is Untimely

Section 505 of the Act grants the Administrator the right to object to permits that she determines are "not in compliance with the applicable requirements of [the Act], including

¹ See EDMS Doc ID 2947527 (pp. 6-7 of 444) for specific dates.

² The permits were based on a revised application dated June 26, 2009, and additional information dated January 27 and February 28, 2010.

³ Additional information dated September 24 and October 22, 2010, was also received.

⁴ Additional information dated October 28 and November 9, 2010, was also received.

⁵ See EDMS Doc IDs 7806731 (pp. 5-6 of 23) and 7806743 (p. 8 of 26) for specific dates.

⁶ Though the two "threshold" issues described in the Order were before EPA during their 45-day comment period, EPA did not object to the Title V permits in accordance with 40 CFR 70.8(c)(1).

⁷ Permit No. 2560-00281-V1 was stayed upon issuance. The stay is addressed later in this document.

⁸ "In the Matter of: Consolidated Environment Management, Inc. – Nucor Steel Louisiana, Order Granting Petitions for Objection to Permits," March 23, 2012 (hereinafter "Order")

the requirements of an applicable implementation plan.”⁹ However, the Act establishes strict deadlines for the Administrator’s exercise of this right. Subsection (b)(1) of Section 505 provides: “The permitting authority shall respond in writing if the Administrator (A) within 45 days after receiving a copy of the proposed permit ... objects in writing to its issuance as not in compliance”¹⁰ with the Act. Similarly, Subsection (b)(2) provides: “The Administrator shall grant or deny” a petition to object to a Title V permit “within 60 days after the petition is filed.”¹¹

It is indisputable that EPA failed to comply with this statutory timeframe. In the instant case, EPA took 636 days to grant Zen-Noh’s first petition submitted on June 25, 2010, and 324 days to grant Zen-Noh’s second petition submitted on May 3, 2011, far in excess of the 60 days provided by law.

B. EPA’s Objection to the PSD Permit through the Title V Petition Process Is Improper

In its Order objecting to the Title V permits pursuant to Section 505(b)(2) of the Act, EPA notes that “if a PSD permit that is incorporated into a title V does not meet the requirements of the SIP [State Implementation Plan], the title V permit will not be in compliance with all applicable requirements.”¹² With respect to this matter, EPA has overreached its authority.

First, it is clear that Section 505 of the Act does not authorize EPA to object to a PSD permit. Section 505 only allows EPA to object to a Title V operating permit.¹³

Second, EPA’s position that it may address the terms and conditions of a preconstruction permit through the Title V petition process effectively allows EPA to object over Title I (e.g., PSD) issues, including substantive matters such as selection of control technologies, long after a source commences operation. This is best illustrated by way of an example. Consider a new manufacturing facility, the construction of which has been authorized by a PSD permit.

- PSD regulations allow the permittee 18 months to commence construction, though the permitting authority can extend this period “upon a satisfactory showing that an extension is justified.”¹⁴
- After a 3 year construction period, which is typical for a large industrial source, the facility commences operations.
- Notwithstanding the fact the LDEQ’s air quality regulations require a permit, including a Part 70 permit where applicable, to be issued prior to the commencement of

⁹ 42 U.S.C. § 7661d(b)(1)

¹⁰ *Id.*

¹¹ 42 U.S.C. § 7661d(b)(2)

¹² Order, p. 4

¹³ For example, 42 U.S.C. §§ 7661(4) references the permit program “under this subchapter”; § 7661a(a) references sources required to have a permit under subchapter V; §7661c(a) references “Each permit issued under this subchapter...”; and § 7661d(c) states, “Administrator shall issue or deny the permit in accordance with the requirements of this subchapter.”

¹⁴ LAC 33:III.509.R.2. Further, commencement of construction does not necessarily entail “on site construction of the source.” Per the definition of “commence” in LAC 33:III.509.B, construction has commenced if the permittee has “entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.”